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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17
18 IN RE DIAMOND FOODS, INC.,
19 SECURITIES LITIGATION

Case No.: 11-cv-05386-WHA

20 **[PROPOSED] ORDER GRANTING**
21 **PERMISSION TO DISTRIBUTE RESIDUAL**
22 **FUNDS TO LATE BUT OTHERWISE VALID**
23 **CLAIMANTS**

24 This Document Relates to:

25 All Actions

26 Date: Thursday, January 14, 2016
27 Time: 8:00 a.m.
28 Courtroom: 8, 19th Floor
Judge: The Honorable William H. Alsup

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3 AND NOW, this 14th day of December, 2015, upon consideration
4 of Lead Plaintiff's Unopposed Motion for Permission to Distribute Residual Funds to Late
5 but Otherwise Valid Claimants and the Memorandum and Points of Authorities in Support
6 thereof in the above-captioned action and the Declaration of Justin R. Hughes, Vice
7 President of Class Actions for Kurtzman Carson Consultants, LLC ("KCC" or the
8 "Claims Administrator") dated December 3, 2015 (the "Hughes Declaration") filed
9 herewith, and upon the Amended Stipulation of Settlement dated as of August 20, 2013
10 [Doc. No. 284] (the "Settlement Stipulation"), and upon the Order Granting Final
11 Approval of Proposed Class Settlement and Granting in Part Attorney's Fees and
12 Reimbursement of Expenses dated January 10, 2014 [Doc. No. 305] (the "Final Approval
13 Order"), the Judgment dated January 21, 2014 [Doc. No. 316] (the "Judgment") approving
14 the Settlement Stipulation, and the Order for Distribution of Class Settlement Fund dated
15 October 16, 2014 [Doc. No. 338], and upon all prior proceedings heretofore had herein
16 and after due deliberation, it is hereby ORDERED as follows:


- 17 1. Class Counsel are authorized to instruct the Claims Administrator to
18 distribute the available residual funds in the Net Cash Settlement Fund (other than
19 funds necessary to pay attorneys' fees and expenses of the Settlement Fund, as
20 provided in the Final Approval Order) to the 46 claimants who submitted late but
21 otherwise valid claim forms to the Claims Administrator after the Initial
22 Distribution had commenced, and who did not receive any distribution in the
23 Initial Distribution. The available residual funds will be distributed to such late
24 claimants on a *pro rata* basis in proportion to the Recognized Loss that the Claims
25 Administrator has determined for each such claimant.
- 26 2. Class Counsel are authorized to pay from the Net Cash Settlement Fund up
27 to an additional \$25,000 to KCC for Administration Costs above the \$350,000
28 amount previously authorized by the Court in connection with the administration

1 and distribution of the Settlement Fund.

- 2
- 3 3. Any funds remaining after the distribution of available residual funds in the
- 4 Net Cash Settlement Fund as provided in this Order are to be distributed in
- 5 accordance with the Distribution Order dated October 16, 2014.

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7 Dated: December 14, 2015.


The Honorable William Alsup
United States District Judge